

Memorandum



Subject: Interpreters In The Credible Fear Process	Date: [signed February 10, 1998]
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To:
All Asylum Directors
All Supervisory Asylum Officers
All Asylum Officers

From:
Office of International Affairs
Asylum Division
[Joseph E. Langlois /s/ by *Jeff Weiss* - see page 4]

The Asylum Division is committed to providing the highest available quality interpretation to applicants in the credible fear interview process. The guidelines below are intended to encourage asylum officers, consultants, and interpreters to work cooperatively to ensure that the credible fear process works as fairly and effectively as possible:

- The Asylum Division is currently working with three interpreter services, AT&T, LSA, and LLE-Link. If asylum officers, consultants, or non-governmental organizations are aware of other sources of high quality interpretation, they are strongly encouraged to bring them to the attention of headquarters asylum. Headquarters is willing to explore using any commercial service that offers telephonic interpretation, accepts payment by the government Visa card, certifies its interpreters, and offers its services to the general public. We are discussing with the Executive Office of Immigration Review and Berlitz the possibility of adding Berlitz to our available choices, and would welcome other suggestions as well.
- Asylum officers are encouraged to make every effort to accommodate special requests for male or female interpreters, for a specific interpreter (if the consultant provides the interpreter's identification code), or for interpreters who do (or don't) speak certain dialects or have certain accents. Requesting that the commercial interpreter be physically present at the interview for applicants who might otherwise have difficulty presenting a claim is an option asylum officers may use, with concurrence from a supervisory asylum officer. LSA and LLE-Link currently offer in-person

interpretation, as would Berlitz for Service Processing Centers with an immigration court.

- The Asylum Division encourages consultants to monitor the quality of interpretation applicants receive. A consultant may bring a "co-consultant" fluent in English and the applicant's language to the interview to monitor the quality of interpretation, and consultants who understand the applicant's language may also comment on the quality of interpretation. While asylum supervisors are instructed to be flexible in scheduling interviews to ensure that the applicant's primary consultant is present, interviews should not be postponed or rescheduled to accommodate participation by "co-consultants." Below are general guidelines for addressing the consultant's concerns about the quality of interpretation available:
 - Consultants may keep records of which interpreters they consider most, and least, appropriate for interpreting credible fear interviews. Consultants may request that a certain interpreter be used (or not used) when setting up the interview with the asylum supervisor. All reasonable requests will be accommodated unless they result in unacceptable delays (generally more than 24 hours beyond the standard 48 hours). Such requests will not be accommodated if the asylum officer does not consider the requested interpreter to be competent or neutral.
 - "Co-consultants" who are fluent in English and the applicant's language, or consultants who understand the applicant's language, may interrupt the interview to point out problems with interpretation. The asylum officer may need to remind the consultants that such interruptions should only occur if the problems could directly affect the applicant's ability to present a claim.
 - If the consultant or "co-consultant" states that the interpreter is leaving out portions of the applicant's testimony, or is editorializing or otherwise failing to provide a verbatim interpretation,¹ the asylum officer should remind the interpreter of his/her role in the credible fear interview, and should offer to change interpreters if the problem persists.
 - If the consultant or "co-consultant" states that the interpreter is not competent or not neutral (citing, for example, serious mistakes in how concepts or words are being translated), the asylum officer should ask the consultant and applicant if they would like to switch interpreters. If the consultant and applicant choose to remain with the same interpreter, the offer and response should be recorded in the Questions

¹ See the Immigration and Naturalization Service, Asylum Division, "Interviewing Part VI: Working with an Interpreter," *Asylum Officer Basic Training Course* (Washington, DC: February 1998 [preliminary draft]), for a discussion of the term "verbatim," as well as additional guidance on working with interpreters.

and Answers. If a consultant finds more than one interpreter unacceptable, and the consultant is fluent in the applicant's language and English, or has brought a "co-consultant" fluent in the applicant's language and English to the interview, the asylum officer should ask the consultant and/or "co-consultant" and the applicant if they would like the consultant or "co-consultant" to act as the interpreter. If the consultant and/or "co-consultant" declines, the suggestion and response should be included in the Questions and Answers. If the consultant and/or "co-consultant" accept, the interview should be monitored by a telephonic interpreter. The asylum officer should attempt to obtain as a monitor a different telephonic interpreter from those rejected by the applicant or consultant as not competent.

- A consultant may bring an interpreter to provide interpretation during the credible fear interview, provided the following guidelines are met:
 - An interpreter from one of the commercial telephonic interpreter service must monitor the entire interview. No exceptions can be made without specific permission from headquarters.
 - Requests from the applicant or consultant that the telephonic interpreter monitoring the conversation be either male or female, or speak (or not speak) certain dialects, should be accommodated where possible.
 - While asylum supervisors should be flexible in scheduling interviews to ensure that the applicant's consultant is present, interviews should not ordinarily be postponed or rescheduled to accommodate the interpreter's schedule. The consultant may arrange to have an interpreter participate by telephone, as long as the consultant's interpreter is available at the scheduled interview time, and any costs involved are paid by the consultant. (At present, all three interpreter services offer conference calling at no additional charge.)
 - The telephonic interpreter should receive clear, detailed instructions about the role she or he is expected to play in the interview. Much like the "co-consultant," the telephonic interpreter should only interrupt the interview if problems with competency or neutrality could directly affect the applicant's ability to present a claim.
 - The consultant's interpreter should receive clear, detailed instructions about the role she or he is expected to play in the interview. In particular, the importance of interpreting verbatim, without adding or omitting any information, should be emphasized before the interview occurs. If translations of forms are available in the applicant's language, and if the consultant's interpreter is physically present in the interview room, or can easily receive a fax, the interpreter should have copies of translations of the forms.

- If the telephonic interpreter notes problems with the competence or neutrality of the consultant's interpreter, and the consultant's interpreter has been informed of the problems and appears unable or unwilling to correct them, the asylum officer may, in his or her discretion, decide that the telephonic interpreter will complete the interview, and the consultant's interpreter will act as a "co-consultant" to monitor the quality of interpretation provided by the telephonic interpreter service.
- A consultant may request to act both as consultant and interpreter, or may request that a person fluent in the applicant's language act both as an interpreter and "co-consultant," or as an interpreter and a witness. While such arrangements are not acceptable in the affirmative asylum system [see 8 CFR 208.9(g)], they may be accommodated in the credible fear process if they assist the applicant in presenting his or her claim. If dual or multiple roles are proposed, the asylum officer should explain to the consultant and/or "co-consultant"/ interpreter/ witness, and telephonic interpreter that the consultant's interpreter should limit any statements or comments about the claim, the applicant's cultural background, or country conditions, to a closing statement after the interview has been completed. During the interview, the consultant's interpreter must interpret verbatim and not omit or add information, or provide editorial comments about the information. There may be exceptional circumstances in which it is appropriate for the consultant's interpreter to interrupt the interview to provide information, but the consultant's interpreter should be instructed to state, in English and the applicant's language, that he or she has stopped interpreting and is providing background information. Such interruptions should only be allowed when the applicant is unable to provide such information.
- Guidelines provided in the November 14, 1997 memorandum "Role of Consultants in the Credible Fear Interview" should be followed if a consultant, "co-consultant," or the consultant's interpreter is disruptive, or in any way impedes the applicant's ability to present his or her claim. Asylum officers should also review relevant lesson plans, such as "Interviewing Part VI: Working with an Interpreter," to address any problems in working with either the telephonic interpreters or interpreters provided by the consultant.

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Deputy Director